

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: John Robert Norton-Baker

Priority Date: 15 August 2003

Serial No. 10/524,677 (PCT/AU03/0104)

Title: Interactive Property Tour

Examiner:

Art Unit:

File: PRO101

RECEIVED

23 APR 2007

Legal Staff
International Division

I certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below

January 22, 2007

Date: John E. Vandigriff, Reg. No. 22,127

Renewed Petition Under 37 CFR 1.137(b)

Hon. Commissioner of Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Decision of Petition mailed 05 January 2007.

The petition was not accepted because, the declaration was stated to be missing. A Declaration, including pages 1 and 2, is enclosed

It is to be investigated if a second inventor is to be added. If so, then it will be done later and the processing fee set forth in § 1.17(i) will be submitted.

It is understood that no addition fee is required under this submission.

It is respectfully requested that the application be accepted and proceed to examination.

A copy of the Decision of Petition is enclosed.

Respectfully submitted,

John E. Vandigriff

Reg. 22,127

Tel: 972-899-1942



05 JAN 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

John E. Vandigriff
906 Stone Circle Lane
Lewisville, Texas 75056

In re Application of	:	
BAKER, et al.	:	DECISION ON PETITION
Application No.: 10/524,677	:	
PCT No.: PCT/AU03/01043	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 15 August 2003	:	
Priority Date: 15 August 2002	:	
Atty. Docket No.: PRO101	:	
For: INTERACTIVE PROPERTY TOUR	:	

The renewed petition to revive under 37 CFR 1.137(b) filed 07 December 2006 in the above-captioned application is hereby **DISMISSED** as follows:

Applicant's presently filed papers do not contain the declaration referenced in the renewed petition. It appears to have been mistakenly left out of the filing. As such, it is not possible to grant applicant's renewed petition at this time. The annotated stamped return postcard accompanies this decision.

Applicant's renewed petition references an additional inventor who was not listed on the published international application. It appears that this inventor was not added during the international phase of the application pursuant to PCT Rule 92bis. A declaration must list and be executed by all of the inventors. Since this additional individual is an actual inventor and was not added pursuant to PCT Rule 92bis; applicant's course of action is to add the inventor in the U.S. National stage pursuant to 37 CFR 1.497(d):

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and

(4) Any new oath or declaration required by paragraph (f) of this section.

Therefore, a proper reply would consist of a grantable petition pursuant to 37 CFR 1.497(d) as detailed above; including a properly executed declaration of the inventors.

This application remains abandoned as to the National stage in the United States.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459